

REMARKS

Applicant has carefully studied the Final Office Action of June 2, 2005 and offers the following remarks to accompany the above amendments. Applicant appreciates the telephonic interview with Examiner Vu on July 13, 2005. Where appropriate, comments from the interview are included below and, to the extent necessary, serve as the Interview Summary required by the MPEP.

During the telephonic interview, Applicant discussed the present invention with the Examiner. An overview of the invention is provided that summarizes Applicant's characterization of the invention. The present invention is a portable device that the user carries and selectively couples to a host computer. Once the portable device is coupled to the host computer, software applications are launched on the host computer as a function of automatically executing software on the portable device. One of the applications is a web browser. Another function of the present invention is to push content to the user. Content is provided to the user through an interface frame. The interface frame is similar to a "window" that is distinct from the browser, rides on top of the browser, and may lie on top of the normal task bar that is present at the top of a browser window (see Figs. 5 and 6). The interface frame has a spot in which the content can be displayed. Likewise, the browser displays other content like a conventional browser.

During the telephonic interview, Applicant discussed the differences between a conventional browser and the interface frame and specifically articulated that the browser and the interface frame were distinct such that a reference that taught display of a banner ad within the browser was not the same thing as the display of content within the interface frame. Applicant was unable to convince the Examiner of the difference, and the focus of the telephonic interview shifted to other ways in which the present invention differed from the references of record.

Applicant herein amends the independent claims 1, 17, and 29 to delete reference to the clean up function and the banner format of the content. Applicant further amends claims 1, 17, and 29 to recite that the content provided is associated with the provider of the portable device. Support for this amendment can be found in the specification at page 17, lines 30-33. No new matter is added.

Claim 41 was objected to since it allegedly contained a typographical error. Specifically, the Patent Office indicated that the phrase "executes automatically" was redundant. Applicant herein amends the claim to recite that the execution occurs without requiring the host computing device to reboot. This amendment effectively moots the objection, and Applicant requests withdrawal of the objection to claim 41 at this time.

Claims 1, 5-7, 9, 11-15, 17, 21-23, 25, 27-29, 33-35, 37, and 39-41 were rejected under 35 U.S.C. § 103 as being unpatentable over Paul in view of Hendrick. Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested in the combination of references. MPEP § 2143.03.

As amended, the claims recite that the content is associated with the provider of the portable device. Applicant has studied the references and does not see this element taught or suggested. Rather, the advertisements of Paul are associated with the profile, not with the provider of the portable device. To this extent, the combination of references does not teach a claim element. Since the combination of references does not teach a claim element, the combination does not establish obviousness.

Applicant discussed the amended claim language with the Examiner during the telephonic interview. Specifically, the Examiner indicated that the amended claim language would define over the rejections of record. The Examiner did not indicate that the amended claim languages would make the claims allowable. Rather, the Examiner indicated that a new search would be required to evaluate the amended language. Because a new search was required and given that the application was under a final rejection, Applicant files this amendment concurrently with a Request for Continued Examination to expedite the search and the generation of an opinion as to the patentability of the amended claims. In light of the fact that a new search is required, Applicant respectfully opines that the next Office Action should not be made final so as to afford Applicant appropriate opportunities to explore the scope of the amended claim language. Applicant requests withdrawal of the § 103 rejection of claims 1, 5-7, 9, 11-15, 17, 21-23, 25, 27-29, 33-35, 37, and 39-41 at this time.

Claims 2-4, 18-20, and 30-32 were rejected under 35 U.S.C. § 103 as being unpatentable over Paul, Hendrick and Suga et al. (hereinafter "Suga"). Applicant respectfully traverses. The standard for establishing obviousness is set forth above.

As explained above, Paul and Hendrick do not establish obviousness for the underlying independent claims. Nothing in Suga cures the deficiencies of Paul and Hendrick. Thus, the combination of the three references does not teach the claim element. Since the combination does not teach the claim element, the combination does not establish obviousness. Applicant requests withdrawal of the § 103 rejection of claims 2-4, 18-20, and 30-32 at this time.

Claim 16 was rejected under 35 U.S.C. § 103 as being unpatentable over Paul, Hendrick and Yee et al. (hereinafter "Yee"). Applicant respectfully traverses. The standard for establishing obviousness is set forth above.

As explained above, Paul and Hendrick do not establish obviousness for the underlying independent claims. Nothing in Yee cures the deficiencies of Paul and Hendrick. Thus, the combination of the three references does not teach the claim element. Since the combination does not teach the claim element, the combination does not establish obviousness. Applicant requests withdrawal of the § 103 rejection of claim 16 at this time.

Applicant requests reconsideration of the rejections in light of the amendments and remarks presented herein. Applicant earnestly solicits claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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